

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

RUSSELL ZINTER; ET AL.

Plaintiffs,

v.

CHIEF JOSEPH SALVAGGIO; ET AL.

Defendants.

§  
§  
§  
§  
§  
§  
§  
§  
§

CIVIL NO. SA-18-CA-680-RCL-RBF

---

DEFENDANT CITY OF LEON VALLEY'S OBJECTIONS  
TO PLAINTIFFS' WITNESS LIST

---

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW DEFENDANT, CITY OF LEON VALLEY, a political Subdivision of the State of Texas ("City" or "Defendant") and under Local Rule CV-16(g) files its objections to Plaintiffs' Witness List [**Dkt. 160, pp. 28-36**] as follows:

1. **Late-designated witnesses.** Plaintiffs did not provide to Defendant City disclosures of their witnesses prior to the close of discovery on January 13, 2022, or thirty (30) days prior to trial pursuant to FRCP Rule 26 (a) (3) (A) (ii), (B). Defendant received Plaintiffs' witness list on March 4, 2022, when the parties filed their CV-16 (f) filings. As such, the witnesses were untimely in designating their testifying witnesses. The City objects to each witness designated in Dkt. 160, pp. 28-36 and requests that this Court exclude each witness's testimony.

2. **In the alternative, Plaintiffs have not identified the nature of their witnesses' testimony.** Pursuant to this Court's Jury Trial Scheduling Order, the parties' witness list required by CV-16(f)(5) "shall" also include a brief statement of the nature of the testimony. [**Dkt. 125**]. As demonstrated by the Plaintiffs' submittal of their Witness List [**Dkt. 160, pp. 28-36**], none of

the mandatory disclosure of the nature of the witness's testimony is present. As such, Defendant is left to surmise the nature of the Plaintiffs' witness's testimony which inhibits Defendant's ability to adequately prepare for trial. Defendant requests this Court to strike and/or limit the testimony of Plaintiffs' designated witnesses.

Signed this 11<sup>th</sup> day of March, 2022.

Respectfully submitted,  
DENTON NAVARRO ROCHA BERNAL & ZECH  
A Professional Corporation  
2517 N. Main Avenue  
San Antonio, Texas 78212  
Telephone: (210) 227-3243  
Facsimile: (210) 225-4481  
[pbernal@rampagelaw.com](mailto:pbernal@rampagelaw.com)  
[aruiz@rampagelaw.com](mailto:aruiz@rampagelaw.com)

BY: /s/ Adolfo Ruiz  
PATRICK C. BERNAL  
State Bar No. 02208750  
ADOLFO RUIZ  
State Bar No. 17385600  
COUNSEL FOR DEFENDANT  
CITY OF LEON VALLEY

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing instrument has been served in accordance with the Federal Rules of Civil Procedure on this 11<sup>th</sup> day of March, 2022, to the following:

Brandon J. Grable  
Austin M. Reyna  
GRABLE GRIMSHAW MORA, PLLC  
1603 Babcock Road, Suite 280  
San Antonio, Texas 78229

**E-NOTIFICATION**

Charles S. Frigerio  
Hector Saenz  
Law Offices of Charles S. Frigerio PC  
111 Soledad, Ste. 840  
San Antonio, Texas 78205

**E-NOTIFICATION**

Brandon Joseph Pierce  
644 Kerry  
Crowley, Texas 76026

**Email:** [ethicsinstead@protonmail.com](mailto:ethicsinstead@protonmail.com)

Selena Herrera  
202 S. Hoy Street  
Buffalo, Oklahoma 73834

**Certified Mail & Copy First Class Regular Mail**

/s/ Adolfo Ruiz  
PATRICK C. BERNAL  
ADOLFO RUIZ